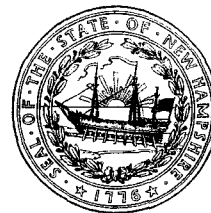




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

February 21, 2006

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 06-003

Osram Sylvania, Inc.
131 Portsmouth Avenue
Exeter, NH 03833

Attn: Susan Huppertz, Plant Manager

Re: Osram Sylvania
Exeter, New Hampshire
EPA ID # NHD003941655

Dear Ms. Huppertz:

On December 21, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Osram Sylvania, Inc. ("Osram") in Exeter, New Hampshire. The purpose of the inspection was to determine the Osram's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 353.04(g)(7) – Elementary Neutralization Unit Inspection Requirements

At the time of the inspection, Osram's elementary neutralization unit inspection log failed to document the time of the inspection, observations made, and the date and nature of repairs or remedial actions.

Env-Wm 353.04(g)(7) requires the inspection log for elementary neutralization units to include, at a minimum, the following:

- a. The date and time of each inspection;
- b. The name of the inspector;
- c. A recording of the observations made; and

- d. The date and nature of any repairs or other remedial actions taken as a result of inspection observations.

DES requests that Osram develop an inspection log that includes the minimum requirements specified in Env-Wm 353.04(g)(7) and submit a copy of the updated inspection log to DES.

2. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, a formal hazardous waste determination had not been performed for the waste “lab pack” material stored in the office area and for two (2) 55-gallon stainless steel containers of waste nitric acid stored in the acid room.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Osram perform adequate hazardous waste determinations for the waste “lab pack” material stored in the office area and for the two (2) 55-gallon stainless steel containers of waste nitric acid stored in the acid room.

In an email received on December 29, 2005 from Osram, Chip Darby, Safety and Environmental Specialist, stated that the waste “lab pack” material was determined to be a hazardous waste on December 27, 2005, and that the nitric acid containers were emptied and neutralized on December 21, 2005. No further action is required.

3. Env-Wm 507.01(a)(3) - Storage Requirements

At the time of the inspection, one (1) 55-gallon satellite container of hazardous waste sodium hydroxide stored in the 100-gallon corrosive tank room was not closed. See the attached Hazardous Waste Container Inventory (“Inventory”).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requested Osram to ensure that containers storing hazardous waste remain closed at all times, except when adding waste to or removing waste from the containers.

In the December 29, 2005 email, Chip Darby stated that the satellite container of hazardous waste sodium hydroxide had been closed. No further action is required.

4. Env-Wm 509.02(a)(1) – Inspection Requirements

At the time of the inspection, Osram failed to document inspections of the facility's hazardous waste storage area during 21 of the 52 weeks during the previous year, including 8 of the 17 weeks immediately prior to the inspection.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s). Additionally, 40 CFR Subpart I, Use and Management of Containers, stipulates that containers must be inspected at least weekly.

DES requested that Osram ensure that weekly inspections of its hazardous waste storage area are recorded in an inspection log.

In the December 29, 2005 email, Chip Darby stated that "the responsibility of inspecting the hazardous waste storage area had been reassigned two months prior to the inspection and a weekly inspection has not been missed since." No further action is required.

5. Env-Wm 509.02(a)(2) – Personnel Training

A review of Osram's personnel training records revealed that three (3) employees (Gary Ewing, Joseph Wing, and Stephen Lamattina) who had signed hazardous waste manifests did not receive initial hazardous waste training or did not take part in annual reviews.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training.

DES requested that Osram ensure all employees who have hazardous waste responsibilities receive initial training and annual reviews.

In the December 29, 2005 email, Chip Darby stated that Joseph Wing signed one (1) hazardous waste manifest in 2003 and has had no other hazardous waste duties since; Stephen Lamattina has not been employed by Osram since August 2003. Gary Ewing is current with the hazardous waste training annual review requirement. No further action is required.

6. Env-Wm 509.02(a)(4) – Preparedness and Prevention Requirements

At the time of the inspection, Osram failed to have portable fire control equipment, spill control equipment, and an alarm and/or other form of internal/external communication system capable of providing immediate contact with facility personnel and local

authorities (e.g., fire department) within 100 feet of the main hazardous waste storage area.

Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention, requires generators to have portable fire control equipment, spill control equipment, an internal communication system capable of providing immediate contact with facility personnel, and an alarm and/or other form of external communication system capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams. All required hazardous waste storage area equipment must be installed or available within 100 feet of the storage area.

DES requested that Osram maintain at the main hazardous waste storage area, the required equipment as specified in Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention.

In the December 29, 2005 email, Chip Darby stated that a portable fire extinguisher and spill control materials have been placed inside the main hazardous waste storage area, and a telephone, capable of summoning internal and external assistance, has been located 40 feet from the main hazardous waste storage area. No further action is required.

7. Env-Wm 509.02(a)(5) – Contingency Plan Requirements

A review of Osram's contingency plan revealed deficiencies regarding the following:

- a. The location of emergency equipment, physical description of each item, and a brief outline of equipment capability;
- b. Submission of the plan to local authorities;
- c. The methods for monitoring facility equipment if there is a work stoppage; and
- d. Instructions to ensure that a waste which is incompatible with the released material is not treated, stored or disposed of until cleanup procedures are completed.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Osram revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module and submit a copy of the plan to local authorities.

*In the December 29, 2005 email, Chip Darby provided DES with a revised and updated copy of the facility's contingency plan. **Osram must provide DES with documents indicating that the plan has been submitted to local authorities.***

8. Env-Wm 509.02(a)(7)- Tank Management Requirements

At the time of the inspection, Osram failed to document inspections of the facility's 12,000-gallon hazardous waste storage tank on weekends and holidays. This amounts to a failure to document inspections of the 12,000-gallon hazardous waste storage tank during 121 out of the 365 days immediately prior to the inspection. In addition, DES confirmed in a February 10, 2005 email from Chip Darby, that the tank is not equipped with overfill prevention controls (e.g., a high-level alarm) or a leak detection system within the secondary containment system.

Env-Wm 509.02(7), which references 40 CFR 265, Subpart J, Tanks, requires generators to inspect hazardous waste storage tanks and to have in place a leak detection system and overfill prevention controls. Inspections of the hazardous waste storage tank must be performed at least once each operating day and documented in the operating record of the facility. In reference to hazardous waste tank management, an operating day is any day that the tank is in use (i.e., the tank contains hazardous wastes). The leak detection system may consist of an automated sensor or a series of administrative controls (e.g., daily inspections).

DES requested that Osram ensure that daily inspections, including weekends and holidays, of the hazardous waste storage tank are conducted each operating day and recorded in the operating record of the facility (i.e., an inspection log). DES further requests that Osram develop a leak detection system within the secondary containment system and install overfill prevention controls, such as a high-level alarm.

*In the December 29, 2005 email, Chip Darby stated that weekend personnel have been trained on the daily tank inspection procedure and will continue to receive additional hazardous waste training. **Osram must develop a leak detection system within the secondary containment system and install overfill prevention controls.***

9. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting failed to document the home and office telephone numbers of the emergency coordinators and the location of fire extinguishers, spill control material, and alarms.

Env-Wm 509.02(b) requires that full quantity generators post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- a. The emergency coordinators (home and office);

- b. The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- c. The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that Osram post the required information at the nearest telephone to the hazardous waste storage areas.

In the December 29, 2005 email, Chip Darby provided an updated emergency posting to DES. No further action is required.

10. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, Osram was storing one (1) 55-gallon container of used oil destined for recycling in the Vacuum Annealing area which was not labeled with the words "Used Oil for Recycle" (see the attached Inventory).

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requested that Osram label all containers of used oil destined for recycling with the words "Used Oil for Recycle" at all times during accumulation and storage.

In the December 29, 2005 email, Chip Darby stated that the used oil container had been properly labeled and the employees who use the containers had been reminded of the regulatory requirements. No further action is required.

11. Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, the two (2) 55-gallon containers of used oil for recycle one stored in the Vacuum Annealing area and one in the Boiler Room, were not closed (see the attached Inventory).

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requested that Osram keep all containers and tanks closed at all times except to add or remove used oil.

In the December 29, 2005 email, Chip Darby stated that the used oil containers had been closed and the employees who use the containers had been reminded of the regulatory requirements. No further action is required.

12. Env-Wm 807.06(b)(7) – Standards for Generators of Used Oil

At the time of the inspection, Osram had not completed a used oil determination for its “used oil for recycle.”

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB’s if no source of PCB’s is present).

DES requested that Osram conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03; and provide the results of the used oil determination to DES.

In a January 18, 2006 email, Chip Darby provided the results from an initial used oil determination analysis indicating that the “used oil for recycle” is specification used oil. No further action is required.

DES believes the remaining portion of the cited deficiencies can be corrected and a report describing the corrective measures taken by Osram can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Osram including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Robert Bishop, Waste Management Specialist
DES/WMD
P.O. Box 95
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact Robert Bishop, or Tod Leedberg, RCRA Compliance Supervisor at 271-2942. Thank you for your continued cooperation.

Sincerely,

~~COPY~~

John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: ^{LOD (AS)} DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, WMD/ Paul L. Heirtzler, P.E., Administrator, WMP, WMD
Gretchen Hamel, Administrator, DES Legal Unit
Chip Darby, Safety and Environmental Specialist, Osram Sylvania, Inc. , 131 Portsmouth Avenue, Exeter, NH 03833

cc: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report